

To: Daly, Carl[Daly.Carl@epa.gov]
From: Burkett, Steve
Sent: Tue 8/13/2013 4:51:38 PM
Subject: FW: Upcoming WRA Meeting with RA
UT PSC - WRA Request for Rehearing re Bridger Units 3&4 6-10-13.pdf

Looks like Nancy is already on it!

sb

From: Daly, Carl
Sent: Monday, August 12, 2013 6:11 PM
To: Watchman-Moore, Derrith; Videtich, Callie; Burkett, Steve
Subject: Fw: Upcoming WRA Meeting with RA

FYI - RCRA and oil shale is mentioned.

Carl Daly 303-312-6416

From: Bohan, Suzanne
Sent: Friday, August 09, 2013 12:05:07 PM
To: Daly, Carl; Logan, Paul
Subject: FW: Upcoming WRA Meeting with RA

FYI, in preparation for the 8/19 meeting Shaun has scheduled with Western Resources Advocates.

Suzanne

From: David Abelson [mailto:david@crescentstrategies.com]
Sent: Friday, August 09, 2013 11:46 AM
To: Bohan, Suzanne

Cc: Penny Anderson

Subject: RE: Upcoming WRA Meeting with RA

Hello Suzanne,

Sorry for the delay in getting more information to you. I am no longer under contract with WRA, but am still assisting with this meeting. Thus the delay.

One of the topics WRA would like to discuss is the applicability of RCRA to oil shale. WRA does not plan to provide any additional information other than the briefing memos I previously prepared and emailed to you. Regarding PacifiCorp, please see the attached. It provides a great deal of detail about the issue, some of which has already been presented to Shaun and others at the EPA. As for the final item, water issues in Colorado, I did not receive any information from WRA. I will let you know if they plan to provide any background information.

I am copying Penny Anderson with WRA on this email. She has been working with Shaun's office to schedule the meeting.

Regards,

David

David M. Abelson

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From: Bohan, Suzanne [<mailto:bohan.suzanne@epa.gov>]

Sent: Friday, August 09, 2013 10:37 AM

To: David Abelson

Subject: Upcoming WRA Meeting with RA

Hi David –

When we last spoke, you offered to provide me with more details on the topics WRA would like to discuss with Shaun McGrath on August 19th. We will need to prepare briefing documents for Shaun by middle of next week, so it would be great to hear from you as soon as possible.

Thanks,

Suzanne

Suzanne J. Bohan

Director, NEPA Compliance and Review Program

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EPA, Region 8

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From: David Abelson [<mailto:david@crescentstrategies.com>]

Sent: Monday, July 22, 2013 5:40 PM

To: Bohan, Suzanne

Subject: Enefit RD&D development

Hello Suzanne,

In follow up to our phone call from earlier today, attached is Enefit's RD&D development plan that the BLM approved in early August, 2012.

In our scoping comments on Enefit's utilities corridor EIS that I am currently drafting, we make the case that Enefit's utilities ROW, development on its South Property, and development on its RD&D lease (including preference right lease area) are connected actions under NEPA. Here is the draft language as it currently reads:

We also believe, consistent with NEPA, that the BLM must include in the EIS a full evaluation of Enefit's RD&D lease land, including preference right lease area, as Enefit's RD&D lease and development on its South Property are "connected actions" under the law. Enefit downplays this connection in its November 26, 2012, right-of-way development plan and application. However, in its July 19, 2012, RD&D lease development plan that the BLM approved, Enefit outlines in clear terms that development of its RD&D lease is highly and significantly dependent on research and development activities that the company will undertake on its South Property (called the "Skyline Property" is the RD&D development plan). In short, under Enefit's RD&D plan, but for development activities on the Enefit South Property, Enefit would not be able to develop its RD&D lease. Without the BLM's approval of this utilities corridor right-of-way, the company cannot achieve the goals enumerated for its RD&D lease, including securing a lease for its preference right lease area.

Specifically, as Enefit explains in its July 2012 development plan, "The RD&D Development Phase activities will be carried out on both the BLM RD&D lease property and EAO's adjacent Skyline Property...." (Enefit RD&D development plan at 2) Additionally, Enefit explains that one of the reports it will develop is "A conceptual mining study tying the BLM property and the private Skyline property together into an integrated mining plan with a description of the mining methods, production and mine advancement." (Enefit RD&D development plan at 8) Enefit even includes the RD&D preference right lease area as part of the "overall mining operation/unit," (Enefit RD&D development plan at 10), and presents a strategy that necessitates Enefit process some, if not all, of the shale mined on federal land in the retort processors the company plans to build on its Enefit South property. Finally, the development timeline Enefit included in its plan supporting its right-of-way application (see ROW development plan, Figure 4) is also found in its RD&D development plan (see Enefit RD&D development plan, Figure 1).

David

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